

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF EXCHANGE

APPLICATION NUMBER E1632 (35-7433)

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MEMORANDUM DECISION

Exchange Application Number E1632 (35-7433), in the name of Joseph T. Maloney, was filed on October 26, 1979, to exchange 1.0 acre-foot of water as evidenced by U.S. Bureau of Reclamation and Contract with Weber Basin Water Conservancy District, under Water Right Numbers 35-830 (A27611) and 35-1213 (A32372). The 1.0 acre-foot of water is to be released into East Canyon Creek and, in lieu thereof, 1.0 acre-foot of water will be diverted from a six inch well, 400 feet deep, located South 595 feet and West 380 feet from the NE Corner of Section 29, T1S, R4E, SLB&M, and used for the irrigation of 0.25 acre, and the domestic purposes of one family.

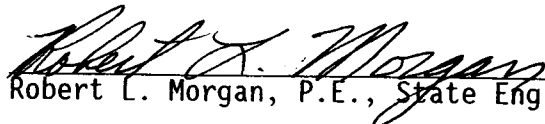
The application was approved on July 2, 1982.

Weber Basin Water Conservancy District has informed the State Engineer that the contract between itself and the applicant was canceled. Additionally, Exchange Application Number E3145 has been filed to replace this application.

It is, therefore, **ORDERED**, and Exchange Application Number E1632 (35-7433) is hereby **LAPSED** because a contract between the applicant and Weber Basin Water Conservancy District is no longer extant, and there is no right to provide the foundation for the exchange.

This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 20th day of January, 1995.


Robert L. Morgan, P.E., State Engineer

RLM:JRM:mw

Mailed a copy of the foregoing Memorandum Decision this 20th day of January, 1995, to:

Joseph T. Maloney
Star Route
Park City, UT 84060

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Weber Basin Water Conservancy District
c/o Mr. Ivan Flint, General Manager
2837 East Highway 193
Layton, UT 84040

E. Blaine Johnson
1615 E. Shadow Valley Drive
Ogden, UT 84403

BY: MaClovia White
MaClovia White, Secretary